UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,273	07/07/2003	Harry R. Haury	NPS-5	7733

92032 7590 06/03/2010

Dennis Donahue & Associates LLC
9648 Olive Blvd. No 226
St. Louis, MO 63132

EXAMINER	
HAMZA, FARUK	

ART UNIT	PAPER NUMBER
2455	

NOTIFICATION DATE	DELIVERY MODE
06/03/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

iplaw@dennisdonahue.com
amy@dennisdonahue.com
djdonahue111@gmail.com

Office Action Summary	Application No.	Applicant(s)	
	10/614,273	HAURY, HARRY R.	
	Examiner	Art Unit	
	FARUK HAMZA	2455	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 November 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17 and 36-46* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *1-11, 13-17 and 36-46* is/are rejected.

7)☒ Claim(s) *12* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. Claims 1-17 and 36-46 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-11, 13-14, 17 and 36-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Rothrock (U.S. Patent Number 5,748,618) hereinafter referred as Rothrock.

As to claim 1, Rothrock teaches a method for peer-to-peer messaging between network resources comprising: communicating with a first process by writing a first text file in a first scratch space, where the first text file describes at least one of at least a first set of information that a second process has generated and at least a first action to be performed on the first set of information; detecting, by a first arbiter, the first text file, wherein the first arbiter is implemented by the first process; and performing at least one of:

implementing, by the first arbiter, the first action; and applying, by the first arbiter, logic embedded within the first arbiter to determine actions to be performed on the first text file (Column 3, lines 63-Column 4, lines 23, lines 37-66).

As to claim 2, Rothrock teaches a method in accordance with claim 1 wherein communicating with the first process comprises communicating with the first process by writing an American standard code for information exchange (ASCII) file, and wherein the first arbiter reviews the first text file and upon detecting that the first file includes a match whit the first process, performs at least one of the implementing and applying steps (Column 4, lines 37-66).

As to claim 3, Rothrock teaches a method in accordance with claim 2 wherein communicating with the first process by writing the ASCII file comprises communicating with the first process by writing one of a hypertext markup language (HTML) file, an extensible HTML (XML) file, a multipurpose internet mail extensions (MIME) file, a .NET file, and a simple object access protocol (SOAP) file in the first scratch space (Column 4, lines 37-66).

As to claim 4, Rothrock teaches a method in accordance with claim 1 wherein applying, by the first arbiter, logic embedded within the first arbiter comprises at least one of: moving the first text file to a second scratch space; moving the first set of information to the second scratch space; and obtaining index information from the first text file and moving images associated with the index information into a storage repository (Column 4, lines 37-66).

As to claim 5, Rothrock teaches a method in accordance with claim 1 further comprising encoding the first set of information within the first text file (Column 4, lines 37-66).

As to claim 6, Rothrock teaches a method in accordance with claim 1 further comprising referencing the first set of information as being in an external file (Column 4, lines 37-66).

As to claim 7, Rothrock teaches a method in accordance with claim 1 further comprising: enabling, by the first process, an input from a user; and writing the input to at least one of the first text file and a second text file in the first scratch space (Column 4, lines 37-Column 5, lines 7).

As to claim 8, Rothrock teaches a method in accordance with claim 1 wherein communicating with the first process comprises communicating with an image display process by writing the first text file in the first scratch space (Column 4, lines 37-53).

As to claim 9, Rothrock teaches a method in accordance with claim 1 wherein communicating with the first process comprises communicating with the first process by writing the first text file in the first scratch space, wherein the first text file describes at least one of an image that a scanning process has generated and the first action to be performed on the image (Column 4, lines 37-53).

As to claim 10, Rothrock teaches a method in accordance with claim 1 further comprising: reading, by the first arbiter, instructions within the first text file (Column 4, lines 37-65).

As to claim 11, Rothrock teaches a method in accordance with claim 1 wherein applying, by the first arbiter, logic embedded within the first arbiter comprises determining whether data that is referenced by the first text file as being in a second text file should be processed (Column 4, lines 37-65).

As to claim 13, Rothrock teaches a method in accordance with claim 1 further comprising: specifying a format of the first text file; and changing the format of the first text file to the specified format (Column 6, lines 15-26).

As to claim 14, Rothrock teaches a method in accordance with claim 13 where changing the format of the first text file includes one of: converting the first text file from a plain text file to a hypertext markup language (HTML) file; and converting the first text file from a simple object access protocol (SOAP) to a NET file; and restructuring data within the first text file (Column 6, lines 15-26).

As to claim 17, Rothrock teaches a method in accordance with claim 1 further comprising applying, by the first arbiter, at least one of a File Transfer Protocol (FTP), a Hypertext Transfer Protocol (HTTP), and a file services network protocol to move the first text file between network resources (Column 6, lines 15-26).

As to claim 36, Rothrock teaches a method in accordance with claim 1 wherein said first text file drives the first process on a first computer having a first

operating system and wherein said second process is on a second computer having a second operating system without messaging systems of said first operating system being resident on said second operating system (Column 4, lines 37-65).

As to claim 37, Rothrock teaches a method for peer-to-peer messaging between network resources comprising:

communicating with a first process by writing a first text file in a first scratch space, where the first text file describes at least one of a first set of information that a second process has generated and a first action to be performed on the first set of information that the second process has generated;

detecting, by a first arbiter, the first text file, wherein the first arbiter is implemented by the first process; and

determining, by the first arbiter, that the first text file includes a match with the first process, and performing at least one of:

implementing, by the first arbiter, the first action; and

applying, by the first arbiter, logic embedded within the first arbiter to determine actions to be performed on the first text file (Column 3, lines 63-Column 4, lines 23, lines 37-66).

As to claim 38, Rohtrock teaches a method in accordance with claim 37 wherein said first text file drives the first process on a first computer having a first operating system and wherein said second process is on a second Computer having a second operating System without messaging systems of said first

operating system being resident on said second operating system (Column 4, lines 37-65).

As to claim 39, Rothrock teaches a method in accordance with claim 37, wherein said arbiter performs said implementing and applying steps independently from a central master control system (Column 3, lines 63-Column 4, lines 23).

As to claim 40 Rothrock teaches a method in accordance with claim 37 wherein applying, by the first arbiter, logic embedded within the first arbiter comprises at least one of: moving the first text file to a second scratch space; moving the first set of information to the second scratch space; and obtaining index information from the first text file and moving images associated with the index information into a storage repository (Column 4, lines 37-65).

As to claim 41, Rothrock teaches a method in accordance with claim 37 further comprising moving the first text file between network resources by the first arbiter (Column 4, lines 37-65).

As to claim 42, Rothrock teaches a method for peer-to-peer messaging between network resources comprising:

communicating with a first process by writing a first text file in a first scratch space, where the first text file describes at least one of a first set of information that a second process has generated and a first action to be performed on the first set of information that the second process has generated;

detecting, by a first arbiter, the first text file, wherein the first arbiter is implemented by the first process; and

performing at least one of:

implementing, by the first arbiter and independently from a central master control system, the first action; and

applying, by the first arbiter and independently from a central master control system, logic embedded within the first arbiter to determine actions to be performed on the first text file (Column 3, lines 63-Column 4, lines 23).

As to claim 43, Rothrock teaches a method in accordance with claim 42 wherein the first arbiter reviews the first text file and upon determining that the first text file includes a match with the first process, performs at least one of the implementing and applying steps (Column 4, lines 37-65).

As to claim 44, Rothrock teaches a method in accordance with claim 42 wherein said first text file drives the first process on a first computer having a first operating system and wherein said second process is on a second computer having a second operating system without messaging systems of said first operating system being resident on said second operating system (Column 4, lines 37-65).

As to claim 45, Rothrock teaches a method in accordance with claim 42 wherein applying, by the first arbiter, logic embedded within the first arbiter comprises at least one of: moving the first text file to a second scratch space; moving the first set of information to the second scratch space; and obtaining

index information from the first text file and moving images associated with the index information into a storage repository (Column 4, lines 37-65).

As to claim 46, Rothrock teaches a method in accordance with claim 42 further comprising moving the first text file between network resources by the first arbiter (Column 4, lines 37-65).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rothrock and further in view of Gormish et al. (U.S. Patent Number 5,692,048) hereinafter referred as Gormish.

As to claim 15, Rothrock teaches messaging between network resources (Column 4, lines 37-66).

Rothrock does not explicitly teach the claim limitation of requesting a public key from an authority; encrypting a portion of the first text file by using the public key; signing the portion; transmitting the portion and the public key to a second scratch space; and requesting an authentication of a second process that received the portion and the public key.

However, Gormish teaches the claim limitation of requesting a public key from an authority; encrypting a portion of the first text file by using the public key;

signing the portion; transmitting the portion and the public key to a second scratch space; and requesting an authentication of a second process that received the portion and the public key (Column 5, lines 1-38, Column 9, lines 13-33).

It would have been obvious to the ordinary skill in the art at the time of the invention to modify Rothrock by adding functionality for requesting a public key and encrypting a portion of a file, which would secure the communication. One would be motivated to do such to enhance system's security.

As to claim 16, Rothrock teaches messaging between network resources (Column 4, lines 37-66).

Rothrock does not explicitly teach the claim limitation of requesting an authentication of the digital signature; further transmitting the portion from the second process to a service on obtaining the authentication of the second signature; decrypting the portion using a private key; and sending the decrypted portion from the service to the second process.

However, Gormish teaches the claim limitation of requesting an authentication of the digital signature; further transmitting the portion from the second process to a service on obtaining the authentication of the second signature; decrypting the portion using a private key; and sending the decrypted portion from the service to the second process (Column 5, lines 1-38, Column 9, lines 13-33).

It would have been obvious to the ordinary skill in the art at the time of the invention to modify Rothrock by adding functionality for transmitting portion of file and decrypting it by using private key, which would secure the communication. One would be motivated to do such to enhance system's security.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention, as well as the context.

Allowable Subject Matter

4. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faruk Hamza whose telephone number is

571-272-7969. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll –free).

Faruk Hamza

Patent Examiner

Group Art Unite 2455

/Faruk Hamza/

Primary Examiner, Art Unit 2455